

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. HIRANO, et al.
Serial No: 10/589,988
Filed: AUGUST 18, 2006
Title: METHOD OF FRICTION STIR-SPOT WELDING AND WELDING APPARATUS
Group AU: 1793
Examiner: Devang R. Patel
Confirm. No: 2470

RESPONSE**Mail Stop: AMEND – FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

October 31, 2008

SIR:

In response to the Office Action mailed September 2, 2008, the period for response having been extended for one (1) month by the attached Petition for Extension of Time, Applicants respectfully elect Group II (claims 6-14) drawn to a friction stir-spot welding apparatus including a rotation shaft conversion device for converting the rotation shaft of the welding tool; and further elect Group III (claims 6-10), including a driving device and a rotation shaft conversion device. Moreover, noting the further species election required on page 3 of the Office Action mailed September 2, 2008, Applicants further elect Group A, which the Examiner characterizes as being directed to a rotation shaft conversion device comprising a hummer and a stopper, as shown in Fig. 1. IT is respectfully submitted that claims 6-8 read on the elected Specie.

Accordingly, in view of all of the foregoing, it is respectfully requested that claims 6-8 be considered on the merits in the above-identified application.

Reference by the Examiner to U.S. Patent Application Publication No. 2002/0190104 (Yoshinaga) and to U.S. Patent No. 6,540,128 (Hirano, et al.), respectively on pages 2 and 3 of the Office Action mailed September 2, 2008, is noted. Applicants are not traversing the restriction and election requirements in the Office Action mailed September 2, 2008, in order to facilitate proceedings in connection with the above-identified application. However, the lack of traverse does not constitute agreement with, or an admission as to the propriety of, contentions made by the Examiner in this Office Action mailed September 2, 2008, in connection with U.S. Patent Application Publication No. 2002/0190104 and U.S. Patent No. 6,540,128, which were not even cited by the Examiner on a "Notice of References Cited Form (Form PTO-892)" with the Office Action mailed September 2, 2008.

In view of all of the foregoing, examination of claims directed to Groups II and III, and reading on Specie A (that is, claims 6-8), in due course, is respectfully requested.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 520.46379X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

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